

Notice of Allowability

Application No.

09/934,411

Examiner

Alain L. Bashore

Applicant(s)

HEIMERMANN ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-6-06.
2. ☒ The allowed claim(s) is/are 19-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

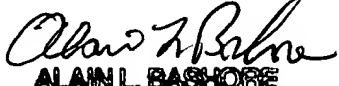
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


ALAIN L. BASHORE
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 19-24 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claim 19. Claim 19 recites a method providing e-procurement.

Shkedy is considered the closest prior art. Shkedy discloses a method of e-procurement including posting orders within an Internet web site for bidding by reverse auction is known (col 1, lines 14-65, col 6, lines 40-47). Pre-set criterion is utilized to identify a winning bid (col 17, lines 32-49) after which the winning bidder is notified (col 6, lines 29-40). Communication between procurement administration and nodes with digital detection and verification of nodes (col 8, lines 55-61) is used, and requisition is converted or pooled for posting to auction. Pooling unfulfilled requisition portions using RFP or RFB into a pool, where the pool is reverse auctioned (col 8, lines 41-54). A shipper is specified, where the winning bidder and shipper is both notified and agreed-upon terms are recited (col 17, lines 60-67; col 18, lines 1-15; col 27, lines 49-55).

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Shkedy does not disclose the combination including in claim 19:

(a) a method of allowing requisitioner in end-user units of a government or entity to digitally place requisitions for goods or services for conversion or pooling of such requisitions into orders for purchase, whether via internet-based reverse-auction or otherwise, comprising:

- (1) using digital communication between a central purchasing authority and various requisition nodes for placement of requisitions for goods or services, and
- (2) receiving any requisition thus placed, and converting it into, splitting it into, or consolidating it with other requisitions into one or more orders, alternately for posting to an Internet-based reverse-auction or for purchase otherwise;

(b) a method of verifying authorized status of any given requisition node from which a requisition is placed, and of any given requisitioner making that same requisition, comprising:

- (1) automatic digital detection of a unique digital address of a requisition node from which requisitioning digital communication is initiated,

(2) digitally verifying authorized requisitioning status of that requisition node in a database of such authorized requisition nodes maintained by said central purchasing

authority,

- (3) requesting automatically that each requisitioner digitally enter a unique, pre-assured

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or agreed-upon identifier and password, where said identifier is any digitizable data,

including, without limitation, alphanumeric, graphical, or biometric data, and where said password is digitizable alphanumeric data,

(4) determining digitally whether any identifier and any password data is entered within a

pre-set time limit,

(5) determining digitally whether any entered identifier data, and any entered password

data match respective identifier and password data for any authorized requisitioner in

a database of authorized requisitioners maintained by said central purchasing authority, and

(6) denying requisitioning access automatically in the event that either'

(a) the detected digital address does not match any authorized requisition node digital address;

(b) no identifier data, or no password data is entered within said pre-set time limit', or

(c) the identifier data or the password data entered do not match respective identifier and password data in the database of requisition nodes maintained by said central purchasing authority;

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(c) a method of inventory minimization through requisition fulfillment from warehoused stock-on-hand, prior to resort to purchase of goods, comprising:

(1) maintaining digitally a centralized database of all goods warehoused as stock-on-hand anywhere by the government or entity available for fulfillment of requisitions, noting as to each good whether it is available for requisition by any unit, or only by a specific unit or units,

(2) comparing digitally, upon any requisition, each good requisitioned, including its quantity, to said centralized database, and identifying every warehoused good available to fully or partly fulfill said requisition,

(3) determining digitally, given the location of the requisition-matching, warehoused good or goods identified as available, compare to a delivery destination or destinations specified in said requisition, and given quantity, size and mobility of the available goods at each warehoused location, and pre-ascertained delivery route or routes, whether to fulfill said requisition from said available goods, and

(4) fulfilling automatically, in the case of an affirmative decision to fulfill from said available goods, either fully or partly said requisition from the requisition-matching available good or goods, by adjusting all digital data affected by requisition fulfillment in this manner accordingly, and by advising all personnel involved in this fulfillment of actions and transport required to effect said fulfillment and, in the event only partial fulfillment is thereby achieved, processing the unfulfilled balance of said requisition by way of purchase, whether through spot, or negotiation purchase pool allocation, as described in the method of requisition pooling and pool allocation,

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immediately below;

(d) a method of requisition pooling and pool allocation, comprising:

- (1) identifying automatically all unfulfilled portions of all current requisitions,
- (2) pooling digitally all goods and services requisitioned in said unfilled portions into an aggregate compilation organized by type of good or service, and by delivery destination of good or goods, or by place of service performance, and by time of delivery or performance required, as specified in each of said current requisitions,
- (3) allocating digitally each good or service requisitioned, respectively, either presumptively into a spot purchase pool, or if required by applicable law, or if exceeding a value set by, or meeting other criteria set by said central purchasing authority, into a negotiations purchase pool instead, and
- (4) designating digitally all goods and services allocated to the spot purchase pool as subject to order formulation for purchase by way of reverse-auction, but designating all goods and services allocated to the negotiations purchase pool as ineligible for purchase by way of said reverse-auction, and hence not subject to order formulation;

e) a method of order formulation as to goods and services within said spot purchase pool, comprising:

- (1) applying comparative analysis to outcomes of prior purchasing, including prior purchase experience in said reverse-auction, as to quality of goods and services purchased, quantity of goods received, timeliness of delivery, and cost of goods and services purchased and of shipment of goods purchased, to derive procurement strategies and a digital, rule-based decision structure set by said central purchasing

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authority of reverse-auction purchasing tactics governing order formulation that are indicated by said analysis to be likely to result in timely purchase of satisfactory goods and services, satisfactorily delivered, at lowest obtainable total cost, and

(2) formulating orders digitally for placement in said reverse-auction, by selecting certain

good or goods, service or services, or combinations of goods and services in the spot purchase pool to comprise a given order in accord with said purchase tactics, and creating and maintaining a database of all formulated orders;

f) a method of supplier-applicant digital submission of application, supplier-applicant

approval, supplier preference administration, and supplier debarment, comprising:

(1) granting digitally, at System commencement, automatic carry-over status as authorized suppliers to all manually pre-authorized, ongoing suppliers to the government or entity,

(2) using an online application form on a Web site on the Internet for conducting e-procurement transactions by way of reverse-auction, to allow any supplier-applicant to apply digitally for authorized supplier status,

(3) barring all except authorized suppliers from access to said reverse-auction, and to a facility of said Web site for authorized supplier catalog upload and update, and enforcing said bar by granting access solely to said authorized suppliers to those two portions of said Web site,

(4) receiving and evaluating said application digitally, based on information both as

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provided in said application, and as available from other sources, and determining digitally whether to digitally grant authorized supplier status on criteria based on law, and on procurement policy and law-based preferences set by said central purchasing authority, as all of same are subject to digital determination, and on an initial digital calculation of a given supplier-applicant's supplier performance rating score, based on weighted factors from data as to said supplier-applicant's solvency, business history, litigation history, purchase complaints, reputation for ability to fulfill orders in a timely and fair manner, delivery arrangements, and any additional factors set and weighted by said central purchase authority, but also proffering each said digital determination to said central purchasing authority for manual review and ratification or override, based on law, procurement policy, and other considerations, all as the same are not subject to digital determination,

(5) receiving said ratification or override as digital input, and immediately digitally notifying said supplier-applicant,

(6) assigning digitally the initially calculated supplier performance rating score to each newly authorized supplier,

(7) applying digitally a periodic review of any law-based preferences for specific authorized suppliers to the extent the same are subject to digital determination, and of a general performance supplier preference derived from a currently, digitally recalculated supplier performance rating score as to each respective authorized supplier, based upon weighted factors including those applied to initial digital calculation of a given supplier-applicant's supplier performance rating score, and also

including fulfillment factors within order specification as to which order the given supplier submitted the winning bid,

(8) renewing, adjusting, granting, or revoking any of said supplier preferences digitally, based upon said review, but subject to manual override by said central purchasing authority for reasons of law, procurement policy, and other considerations, all as the same are not subject to digital determination,

(9) awarding digitally preference in bidding in said reverse-auction by application of said general performance supplier preference, and

(10) debarring an authorized supplier from authorized supplier status digitally, but subject to manual override by said central purchasing authority based on considerations not subject to digital determination, where said authorized supplier's supplier performance rating score falls to a debarment level digitally set by said central purchasing authority, or where said supplier fails to comply with other mandatory or prohibitory criteria digitally set by said central purchasing authority, such as order fulfillment failure;

(g) a method of conducting e-procurement transactions by way of reverse-auction at a Web site within the internet, comprising:

(1) establishing and operating a Web site within the Internet as a reverse-auction forum for e-procurement transactions, comprised of: (i) Web pages which the general public is permitted to view, including a page for viewing of posted reverse-auction orders, and of requests for proposals or for bids not subject to said reverse-auction, and including a page for digital application for approval as an authorized supplier; (ii)

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Web pages accessible only by said central purchasing authority and by authorized suppliers, including a page for digital upload and update of catalogs of authorized suppliers, and a page for bidding in said reverse-auction; and (iii) a Web page not accessible by the general public pertaining to shippers, and shipping arrangements ms to goods included in winning bids (2) posting any order for goods, for services, or for goods and services formulated from said spot purchase pool digitally to said reverse-auction in said Web site as a manner of soliciting bids by any member of said authorized suppliers as bidders while any such respective order remains open for bidding,

(3) receiving bids from any authorized supplier to supply either goods, services, or goods and services specified in any respective order, or any portion thereof, while said respective order remains open for bidding,

(4) closing bidding for any respective order,

(5) identifying, by application of one or more pre-set criteria, including lowest price offered by bid, a winning bid for, and contractually accepting, or alternatively refusing to accept any or all received bid or bids for any order, or for any portion thereof, and

(6) notifying a winning bidder of purchase acceptance of winning bid;

(h) a method of setting parameters for determining a winning bid, and of determining a winning bid in said reverse-auction, and of notifying both a winning bidder and one or more shipper or shippers that will be used to ship any goods in that winning bid, to order terms; inclusion of, or conduciveness of bid to lowest cost shipping and

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required delivery terms otherwise available; and best overall fit with other orders either concurrent with, or immediately preceding, or subsequent to a given order under bid,

(2) determining digitally which bid is the winning bid by applying the parameters thus set, and declaring that bid as the winning bid, and

(3) notifying digitally a winning bidder of winning bid acceptance, reciting accepted price or prices and all other terms of sale and, when shipping arrangements have been included in a winning bid, or when a specific shipper has otherwise been selected to deliver goods in a winning bid, notifying said winning bidder and said shipper of the shipment, specifying goods to be shipped and reciting agreed-upon terms of shipment;

(i) a method of order tracking, comprising:

(1) creating digitally an indicator within the database of formulated orders to represent an open order that toggles to a reverse-state to represent a closed order,

(2) setting digitally said indicator to the open order representation at the formulation of any given order,

(3) switching digitally said indicator to the closed order representation at either: (i) fulfillment of said order; (ii) declaration of failure of fulfillment of said order; or (iii) withdrawal of said order before declaration of acceptance of winning bid as to said order,

(4) monitoring digitally, during all time in which any given order is thus designated as

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open, current status and event-history-date of said open order, including, but not limited to noting respective dates and times of formulation, reverse-auction posting, bidding-closing, determination of winning bid, shipping facility posting and shipment offer acceptance if posted in said shipping facility portion of reverse-auction Web site, shipment departure, shipment delivery verification of shipment conformity and acceptance, authorization of payment, and payment, all as to said order,

(5) reporting digitally both periodically and upon manual request by said central purchasing authority and, as to orders including goods or services requisitioned by a given requisitioner or by a given requisitioning unit, also upon request by that requisitioner or by that requisitioning unit's chief official, respectively, on the status and event-history-to-date of said order,

(6) setting digitally by said central purchasing authority of time limits anticipated to elapse between such sequential events ms those enumerated above of said event-history-to-date, and

(7) monitoring digitally for each of said time limits to expire before an anticipated, next sequential event, alerting said central purchasing authority as to said expiration, thereby prompting manual inquiry regarding unexpected delay in processing of any given order; and

(j) a method of procurement accounting, comprising:

(1) establishing digitally an accounting series of spreadsheets reflecting:

(a) procurement budgets of said government or entity, it's various departments and other department-level subdivisions, their respective administrative units, and

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requisitioners within each;

(b) inventory of supply goods-on-hand in various warehouses of said government or entity, and any of its divisions and units, and of any additions to, or withdrawals from said inventory, hereinafter referred to as inventory transactions, reflecting transfer to requisitioner and requisitioning unit; and

(c) all purchase transactions, including payment therefor,

(2) entering, digitally and automatically, each event requiring accounting entry as to said inventory transactions and said purchase transactions, including both reverse-auction purchase and negotiation purchase into said spreadsheets,

(3) calculating digitally the accounting of each transaction as to all of said procurement budgets,

(4) reconciling digitally all invoices for purchases and for shipping,

(5) establishing digitally rules for payment release, and verifying digitally qualification for payment, and

(6) directing digitally payment release upon verification of qualification for immediate payment release.

For these reasons claim 19 is deemed to be allowable over the prior art of record, and claims 20-24 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Allowable subject matter may require further review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

5. Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

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6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore
Primary Examiner
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